

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
December 3, 2007

The Yadkin County Board of Commissioners met in Regular Session on Monday, December 3, 2007 at 9:00am in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 E. Willow Street, Yadkinville, North Carolina.

Present Were:

Chair Kim Clark Phillips
Vice Chair Tommy Garner
Commissioner Joel Cornelius
Commissioner Brady Wooten
Commissioner Chad Wagoner

[Vice Chair Designation changes after the Reorganization]

Staff Present: County Manager, Eric Williams; County Attorney, Jim Graham; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chair Phillips at 9:00am

INVOCATION by Attorney Jim Graham

PLEDGE OF ALLEGIANCE led by Chair Phillips

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

1 - Addition of page 43 – Budget Amendment for road maintenance to the communication tower.

2 - Commissioner Cornelius would like a Closed Session to discuss a personnel matter.

Commissioner Wooten made a motion to approve the agenda with noted additions. Vice Chair Garner second.

Vote: 5/0

PUBLIC COMMENTS

There were no speakers for Public Comment at today's meeting.
Public Comments Section closed at 9:03am.

REORGANIZATION

The annual reorganization of the Board was completed at today's meeting. Attorney Graham assumed the role of Chairman during the reorganization. Attorney Graham noted that a second was not required on nominations.

Commissioner Wagoner nominated Kim Clark Phillips for Chairman.

Commissioner Cornelius made a motion to close the nominations and elect Kim Clark Phillips by acclamation. Commissioner Wagoner second.

Vote: 4/1 (Wooten against)

Commissioner Garner nominated Joel Cornelius for Vice Chairman.

Commissioner Wagoner made a motion to close the nominations and elect Joel Cornelius by acclamation. Commissioner Kim Clark Phillips second.

Vote: 5/0

Chairman seat was returned to Chair Phillips.

Board and committee assignments were reviewed. Board members were satisfied with their assignments. Commissioner Wagoner added that, with no objections, he would like to remain on the Crossroads Mental Health Board. Having one year of experience on this board could be beneficial considering the projected mental health reform. Commissioner Wagoner also thanked the Board for reappointing Monta Davis-Oliver to this Board for her experience as well.

Vice Chair Cornelius commented that he had yet to attend a Council on Aging Committee meeting due to the nature of their meeting schedule. Vice Chair Cornelius has plans to contact the Chairman, Dan Pavlanski.

Commissioner Garner requested that the Piedmont Triad Partnership meeting schedule reflect the 4th Monday of each month rather than the 4th Friday.

Commissioner Wooten commented that he would be willing to continue as the alternate on the Piedmont Authority for Rural Transportation Board.

APPROVAL OF MINUTES

The following adjustments were requested:

Commissioner Wagoner:

Pg. 8 – all references to 'Mrs. Walker' should read 'Mrs. Lilly Hurlocker'

Pg. 16/Line 4 – Chair Phillips spoke on behalf of the Davie Hospital

Vice Chair Cornelius:

Pg. 13 – vote should be 4/1 with Wooten against

Chair Phillips:

Pg. 4 – the Intent to Apply was due November 30, 2007 with the actual Application due December 17, 2007

Motion by Commissioner Wooten to approve the following minutes with adjustments:

November 19, 2007 Work Session on Utilities

November 19, 2007 Regular Meeting

November 19, 2007 Closed Session

Second by Commissioner Garner.

Vote: 5/0

PUBLIC HEARING

There were no items for Public Hearing at today's meeting or requests to set Public Hearings.

BOARD REPORTS/REQUESTS

Dr. Jim Benfield, Yadkin County Schools Superintendent, appeared before the Board for updates on the middle school projects. Dr. Benfield reported the following:

- (1) The original estimate was \$24million, proposed bids at \$27 million.
- (2) The 07-08 budgeted tax increase will cover this unforeseen expense without raising additional taxes or costing the taxpayers additional monies.
- (3) These tax revenues will also be used toward operating expenses.
- (4) Debt models have been revised and will be presented later in today's meeting.

Dr. Benfield stated he was reluctant to provide data on operating costs at this time. Dr. Benfield further stated that he did not want to grossly underestimate and appear that not enough thought went into the planning nor grossly overestimate and appear to gouge. Dr. Benfield added that some items could be estimated; such as clerical staff, cafeteria management, custodial, and librarian. Other items; such as Principals, Guidance Counselors, and curriculum costs could not be estimated at this time. Dr. Benfield hopes that some existing staff can be relocated to the new middle schools. Some analysis of similar Wilkes County schools could lend an idea of utility costs. However, the electrical plan for Yadkin County middle schools has some slight differences. Curriculums for art and music have not yet been designed and, therefore, cost cannot be estimated at this early date. Dr. Benfield assured the Board that he would not hide anything or embellish the school's needs.

Chair Phillips spoke on the importance of the middle schools for Yadkin County's infrastructure and for the future of Yadkin students. Chair Phillips thanked Dr. Benfield for keeping the Board informed and helping to maintain a quality working relationship.

Commissioner Wagoner questioned the option to build the schools at different sizes. Dr. Benfield reported that building the middle school in the western part of the county with a 500-student core would only reduce the cost by \$200,000. Commissioner Wagoner commented that it would be safe to say that if you build it, it will be used at some point, just as current space has been outgrown. Commissioner Wagoner added that it would be short-sighted not to build the schools at equal size at the negligible cost of \$200,000. Chair Phillips and Commissioner Garner agreed. Vice Chair Cornelius commented that he, too, would like to see the schools at equal size.

Vice Chair Cornelius questioned cost variances with alternate building materials such as concrete floors and walls. Dr. Benfield felt that concrete floors would cheapen the look of the new schools. Dr. Benfield stated that concrete would not be his preference but he would certainly share this thought with the School Board.

Commissioner Wooten reported that the Board agreed to no more than \$24 million for the 2 new schools and current bids are at \$27 million.

Commissioner Wooten was concerned for the substantial increase in original estimates. Dr. Benfield stated that he could not address the original estimates as he was not involved in the planning stages. Dr. Benfield did comment that the \$27 million represents a turnkey job, to include furniture, fixtures, and equipment. Dr. Benfield reiterated that it is important that the School Board and the Board of Commissioners maintain a healthy working relationship and that the two entities work together to reach common goals.

Janice Burke, First Southwest Company, reviewed restructured debt models for additional middle school costs. Debt models reflect a lower interest rate; a \$100,000 reduction in repair and renovation figures; ADM fund balance of \$1.4 million; savings from the recent science wings; and lottery revenues. The debt model reflects the need of .03 cent tax increase for the debt service and .05 was the actual approved amount allocated to the middle schools.

Manager Williams reported that there is a special meeting of the School Board on December 10, 2007. A preliminary capital project resolution should be available by the December 17, 2007 meeting of the Board of Commissioners.

Bobby Todd, Economic Development Director, spoke on several issues.

(1) Economic Activity:

Activity statewide is up. Yadkin County is still hindered by the lack of available buildings and the current unemployment rate. The 501-3-C process continues with a July 1, 2008 timeline of completion. The Leadership Class sponsored by the Chamber of Commerce and Surry Community College continues. Local government was the subject of the most recent class. Mr. Todd thanked County Manager Williams for his presentation. The next Business After Hours will be held on December 13, 2007 - 4:30-6:30 at the Yadkin Cultural Arts Center.

(2) Tourism Development Authority and Tourism Tax:

A draft version of the Tourism Development Authority By-Laws was presented along with a RESOLUTION IMPLEMENTING A SIX PERCENT (6%) TOURISM OCCUPANCY TAX WITHIN THE YADKIN COUNTY DISTRICT AND CREATING THE YADKIN COUNTY TOURISM DEVELOPMENT AUTHORITY. Mr. Todd pointed out that the RESOLUTION was modeled from a similar version in Watauga County. The Economic Development Council plans a reception Monday, December 12, 2007 at the Yadkin Center of Surry Community College for lodging owners/managers to introduce them to the occupancy tax and establish the 6-member committee. This list will be submitted to the Board of Commissioners at the morning meeting in January for approval. Mr. Todd added that he anticipates 12-24 months for revenue growth.

The Board saw no reason to delay the action on these 2 matters and accepted the draft as is.

[The RESOLUTION IMPLEMENTING A SIX (6%) TOURISM OCCUPANCY TAX WITHIN THE YADKIN COUNTY DISTRICT AND CREATING THE YADKIN COUNTY TOURISM DEVELOPMENT AUTHORITY is attached as Addendum A]

Commissioner Wooten made a motion to approve the RESOLUTION IMPLEMENTING A SIX PERCENT (6%) TOURISM OCCUPANCY TAX WITHIN THE YADKIN COUNTY DISTRICT AND CREATING THE YADKIN COUNTY TOURISM DEVELOPMENT AUTHORITY. Vice Chair Cornelius second.

Vote: 5/0

Commissioner Wooten made a motion to approve the Tourism Development Authority By-Laws. Vice Chair Cornelius second.

Vote: 5/0

(3) Agrarian Growth Zone (AGZ):

An Agrarian Growth Zone is an area of the County with a poverty level at or above 20% where industrial zoning and growth is encouraged. Yadkin County analyzed the census data last year and determined that Arlington, with the highest poverty level, was only at 12.5%. The North Carolina Office of Community Assistance identified a sub-zone of Yadkin County with a poverty rate of 20.06%. This area is bordered by Highway 421 and includes part of Reavis Road, Whitaker Road, Shaw Road, Highway 21, and back to Highway 421 called Block 504. The benefit of qualifying as an Agrarian Growth Zone is that the tax credits received from the State would allow Yadkin to move from a

Tier 2 to a Tier 1 status. If a new business is created in that zone, the job threshold would drop from 10 to 5, tax credits would increase from \$5000 to \$6000, the credit for investing in new business property would decrease the threshold from \$1 million to \$0, and tax credits would increase from 5% to 7%. Mr. Todd commented that with water and sewer available in parts of that tract, the process to qualify for an Agrarian Growth Zone is not that tedious. Planning and Development Director, Kim Bates has already completed an application. Director Bates added that the area is currently zoned mostly as RA with little commercial zoning. The 5D water reservoir is included in this area. Director Bates believed there was a December 31, 2007 deadline for this process. The Board held only a brief discussion on this matter.

[The RESOLUTION REQUESTING DESIGNATION OF CENSUS TRACT 50400, BLOCK GROUP 3 OF YADKIN COUNTY AS AN AGRARIAN GROWTH ZONE is attached as Addendum B]

Commissioner Wooten made a motion to proceed with the Agrarian Growth Zone application for Sub-Zone 504 with an appropriate RESOLUTION. Vice Chair Cornelius second.

Vote: 5/0

Elder Affairs Director, Doris Dick, appeared before the Board for approval of the Aging Planning Committee By-Laws and committee appointments. Attorney Graham questioned Article VII, Section 2. Attorney Graham felt that a timeline should be provided for notifying board members of special meetings. Speaking on behalf of the Aging Planning Committee, Ms. Dick agreed to add a line stating "Notice of special meeting shall be given to each member within 5 business days."

[The Aging Planning Committee By-Laws are attached as Addendum C]

Vice Chair Cornelius made a motion to approve the Aging Planning Committee By-Laws with noted adjustment. Commissioner Wooten second.

Vote: 5/0

In regard to committee assignments, Commissioner Wagoner noted that it is a rather large committee and a quorum may be difficult to establish. Ms. Dick agreed with Commissioner Wagoner's assessment but stated that this is the list established by the committee itself. Manager Williams contributed that aging services span a wide variety of agencies and organizations. Vice Chair Cornelius questioned the assignment of 2 DSS representatives, Director

Wooten and Adult Services Supervisor Ragan. Ms. Dick offered that some on the list are actually serving as alternates. Ms. Dick agreed to take the list back to the Aging Planning Committee for further regard. No vote was held.

BOARD ACTION

(1) The Board reviewed a budget amendment in the Capital Projects Fund. The amendment adjusts for additional land acquisition costs that exceeded budgeted amount. New monies not involved, simply a shift in expenditures.

Commissioner Wooten made a motion to approve the Budget Amendment for the Capital Projects Fund in regard to the 5D Watershed Project. Vice Chair Cornelius second.

Vote: 5/0

(2) The Board reviewed a budget amendment in the Community Action Programs. The amendment adjusts for additional costs for unemployment benefits of exited employees ending July 2007. Finance Director, Sheron Church, explained that Yadkin County does not pay unemployment insurance and is therefore billed for subsequent charges to unemployment benefits. Some discussion followed. Commissioner Wooten questioned if this was a cost-saving benefit to the county. Ms. Church believed that the county does save money by this process but agreed to provide financial data in this regard.

Commissioner Wooten made a motion to approve the Budget Amendment in the Community Action Programs. Vice Chair Cornelius second.

Vote: 5/0

(3) The Board reviewed a budget amendment for road maintenance on the road leading to the County Communication Tower as discussed at the November 19, 2007 meeting.

Commissioner Wooten made a motion to approve the Budget Amendment for Road Maintenance. Commissioner Garner second.

Vote: 5/0

[Budget Amendments are attached as Addendum D]

(4) Fire Marshal, Eddie Weatherman, introduced a **YADKIN COUNTY ORDINANCE REGULATING OPEN BURNING**. The ORDINANCE allows the County to take action on violations and keeps policies consistent with that of the Forest Service. John Kessler, Yadkin County Forestry Agent, added that 63% of fire calls in Yadkin County result from debris burning.

[Yadkin County Ordinance Regulating Open Burning is attached as Addendum E]

Vice Chair Cornelius made a motion to approve the YADKIN COUNTY ORDINANCE REGULATING OPEN BURNING. Commissioner Wagoner second.

Vote: 5/0

Chair Phillips called for a recess at 10:40am. Meeting resumed at 10:54am.

[Attorney Graham was absent from the meeting from 10:54am to 11:00am]

(5) Tax Administrator, Phyllis Adams, appeared before the Board. Mrs. Adams announced that she had recently been selected as the President of the North Carolina Association of Assessing Officers and feels honored to have been chosen by her peers for this office.

Mrs. Adams introduced the Mobile Office Software Application License. This is the first phase of the mobile project for the assessment of property values. This mobile software will also be used in conjunction with emergency services as a means of locating and mapping. The I.T. Department along with the Tax Administration Department is working to extract existing pictures of properties in a money-saving effort for the County. Chair Phillips noted that the last page of the license should state North Carolina in place of Missouri.

[The Mobile Office Software Application License is attached as Addendum F]

Vice Chair Cornelius made a motion to approve the Mobile Office Software Application License with noted adjustment. Commissioner Wooten second.

Vote: 5/0

Mrs. Adams also announced that the new hire for Land Records Assistant started today. An offer was made to a candidate for the Land Records Supervisor position and is pending.

MANAGER REPORTS/COMMENTS

(1) In conjunction with the Manager's Grant Activity Report, Emergency Management Director Dale Trivette, provided additional information regarding an EMS Tool Kit grant of \$154,277. The EMS Tool Kit will allow Yadkin County to employ medically trained dispatchers that can provide medical information, triage, and dispatch the appropriate response unit. Yadkin County will join 64 other North Carolina counties in providing this service. Though 3 positions are funded for 1 year through this grant, Communications Director, David Matthews feels that 3 additional dispatchers will be needed for 24/7 coverage. Some discussion followed. Commissioner Wagoner commented that current dispatch staff is frequently overburdened. The implementation goal for this program is July 2008. To accomplish this timeline, training would need to occur in May and June, which is prior to the new budget year. The Board will consider 3 new positions and the funding of 3 additional positions after the initial year. Manager Williams remarked that a decision is not required at today's meeting. Manager Williams would like to review this matter and prepare appropriate financial data to present to the Board for decision in January.

(2) The eCivis contract has been executed and a training schedule is being developed.

(3) As of 9:30am today, 27 easement documents for 33 separate parcels had been distributed. Five of the seven have been returned. In addition, some easement documents have been returned to Attorney Graham's office. The established deadline for easements is December 12, 2007. This will allow the awarding of bids at the December 17, 2007 meeting of the Board.

(4) An Animal Shelter Assistant was hired and began employment on November 14, 2007. A Land Records Assistant is to begin today. An offer has been extended to a candidate for Land Records Supervisor. Notice should be received today. An offer has been extended for a Fire Inspector. That notice is pending.

CALENDAR NOTES

Calendar notes from the agenda were reviewed. Manager Williams encouraged Board members to attend the county luncheon on December 12, 2007.

COMMISSIONER COMMENTS

Vice Chair Cornelius had the following for discussion:

(1) Vice Chair Cornelius asked if water hookups had been discussed in the meeting with Jonesville. Chair Phillips remarked that hookups were not discussed but she will report on that meeting during her comments.

(2) With the Household Waste Permitting program now under way, Vice Chair Cornelius asked the Solid Waste Committee to provide a report on the status to include a financial breakdown, comments or concerns, tonnage comparisons, etc. Commissioner Wooten, a member of that committee, agreed to present this data at the next Board meeting.

(3) Vice Chair Cornelius had recently met with Steve Johnson of Johnson Modern Electric. Mr. Johnson's new office building in the Enon area is a "green" building, meaning every effort is made to use materials that are recyclable and materials that are energy efficient and environmentally friendly. Mr. Johnson's Building will be designated as an L.E.E.D. (Leadership in Energy and Environmental Design) building, the only L.E.E.D. certified building in Yadkin County. This building will be the only electrical company with an L.E.E.D. certification in the state of North Carolina. Mr. Johnson has invited the Board to visit and tour his new office. Vice Chair Cornelius encouraged the Board, as well as the media, to visit the Johnson site.

Commissioner Garner provided a document to Manager Williams for further review but had no additional comments at this time.

Commissioner Wooten had the following items:

(1) Commissioner Wooten asked Manager Williams to price new chairs for the Board and the conference area.

(2) Commissioner Wooten asked that any reports concerning the jail be made available to him. Commissioner Wooten expressed concerns for the impact of removing the current jail from the downtown area.

Commissioner Wagoner had the following items for discussion:

- (1) Commissioner Wagoner had received a letter from citizen, Bill Garrett of Boonville. While Commissioner Wagoner did not agree with all of Mr. Garrett's comments, Commissioner Wagoner commended Mr. Garrett for providing a return address and phone number.
- (2) Commissioner Wagoner thanked Emergency Management Director, Dale Trivette and acknowledged the excellent job he does for the county in pursuing and securing grants.
- (3) Commissioner Wagoner personally invited Board members, County Attorney Graham, and Manager Williams to the Yadkin County Rescue Squad Banquet to be held on Saturday, December 8, 2007 at 6:30pm.

Chair Phillips had the following items for discussion:

- (1) Initial plans for the jail have been submitted to the North Carolina Department of Insurance. Moseley Architects will be visiting the next regular meeting of the Board on December 17, 2007 for approval of the next phase. Architect, Adam Grabiec, has left Moseley for other pursuits. His replacement is Robert Smith. Mr. Smith has more experience with detention centers and other capital projects and is expected to be a great asset. The next Jail Committee meeting will be in January, date not yet set. The Clerk of Court and Magistrate will be invited to the next committee meeting.
- (2) Manager Williams, Board members, and the Arcadis team met with representatives from Jonesville to discuss water issues. Two NC Rural Center Intent to Apply forms were submitted by Alex Apple of Arcadis for the Town of Jonesville and the County of Yadkin. The grant allows up to \$500,000 per entity with a one to one match. The intent is to build a new waterplant in Jonesville with a capacity of 1,000,000 gallons per day upon recommendation by Randy Darden. Cost is estimated at \$3 million.

Currently, the Jonesville water plant has a capacity of 600,000 gallons per day and is frequently reaching 80% of that capacity on a daily basis. The more days that you reach 80% capacity, the more likely that the State will require an upgrade. There was discussion concerning upgrading the Elkin plant and allowing the Town of Elkin to take water from the Yadkin River. Chair Phillips remarked that it would be a grave mistake to relinquish the rights to the river and felt that most, if not all, of the Board would agree. Vice Chair Cornelius recommended a letter from the Board to the Town of Jonesville encouraging the Town to maintain its river rights and Chair Phillips agreed.

It was noted that upgrading the Elkin plant had been estimated at \$2.7 million and designing a new plant for Jonesville estimated at only \$3 million. With little cost variance, Commissioner Wooten pointed out that Yadkin County's best interest would be to build a new plant and retain those river rights.

Commissioner Wagoner questioned the ability to increase the water capacity at a future date. Chair Phillips remarked that Randy Darden recommended that the design of the Jonesville plant be a collaborative effort with Jonesville and Arcadis engineers and that all lines of communication should remain open. Rural Center grants can be submitted for Planning and for Funding. Alex Apple plans to submit both. It had also been discussed to maintain the current Jonesville plant as long as possible and construct a new plant combining for a total capacity of 1,600,000 gallons per day. Mr. Darden further suggested that new construction should be considered in increments of millions of gallons and that a 3,000,000 gallon capacity could serve Yadkin County as much as 20 years in the future.

Vice Chair Cornelius asked for clarification on the views of the Jonesville Town Officials. Town Manager, Ron Niland, supports closing the Jonesville plant, upgrading the Elkin plant, and establishing a 'Water Authority' for those river rights. Several members of this meeting questioned why Elkin would be willing to do this. Council member Gene Pardue is not in favor of relinquishing river rights and neither is Town Mayor Lindbergh Swaim. Town Council member, Edna Martin, typically a water advocate, was unable to attend this meeting. Chair Phillips acknowledged that the thought of losing river rights causes much anxiety and would be an irrevocable mistake. Commissioner Wooten added that Yadkin County should do everything within its power to maintain Yadkin River rights.

(3) Chair Phillips had participated in an RPO Committee teleconference in the week prior. Updates from the DOT are as follows:

1. TIP funding is limited. Very few projects are given a completion date. However, if a completion date is given, there is somewhat of a guarantee that the project will meet the deadline.
2. Interstate 77 between Jonesville and Elkin will be reduced to 2 lanes beginning February 2008 for an indefinite period of time. The project has a completion date of July 2009.
3. Road construction at Messick Road and Highway 67 has a completion date of June 15, 2009.
4. Removal of the Hugh Chatham Bridge has a completion date of April 28, 2009.

(4) Chair Phillips congratulated Chris Mabe on his North Carolina Chess Championship. Chris Mabe currently resides in Charlotte but is a Boonville native.

(5) Chair Phillips received a phone call from Robert Joyce. Mr. Joyce and his brother are opening a plant nursery on Speer Bridge Road. They will grow and sell annuals and perennials. The business will be called "Mad Plants" and will open in 2008.

(6) The NACO conference is scheduled for March 1, 2008 through March 5, 2008. The visit to Capitol Hill is scheduled for March 5. Any Board member that is interested in participating should mark their calendar accordingly. Chair Phillips expressed that Yadkin County should be represented.

(7) Chair Phillips had attended the COG meeting in the prior month. Area Agency on Aging Director, Dean Burgiss, spoke regarding services for the elderly with a focus on food crisis for elderly citizens. All applicants for Meals on Wheels in Yadkin County are served while other counties maintain a waiting list. Meals on Wheels volunteers are feeling the effects of rising fuel costs. As the Holiday Season approaches, Chair Phillips encouraged all to think about the needs of citizens in our community who are less fortunate. Area churches, Yadkin Christian Ministries, county schools, YMCA, and the Salvation Army all accept food donations. As a county, we should take care of our residents, particularly the elderly and those that can't speak for themselves.

Manager Williams confirmed that the Board would have him draft a letter to the Jonesville Town Council addressing Yadkin County's desire to retain water rights to the Yadkin River and discourage the Town of Jonesville from relinquishing those rights. Attorney Graham agreed to assist in the drafting of the letter as needed. Commissioner Wagoner asked if the County would have the first right of refusal if the Town of Jonesville proposed to relinquish their river rights. Attorney Graham offered that this would be an issue for the proper State authority.

Vice Chair Cornelius made a motion to enter Closed Session at 11:42am to discuss personnel matters. Commissioner Wooten second.

Vote: 5/0

Vice Chair Cornelius made a motion to end Closed Session at 11:55am. Commissioner Wooten second.

Vote: 5/0

Vice Chair Cornelius made a motion to adjourn. Commissioner Wooten second.

Vote: 5/0

Meeting adjourned at 11:56am.

Prepared and Approved by Clerk to the Board